

What is the ruling in saying Bismillâh before making a sacrifice?

Shaykh Sulaymān al-'Alwān(حفظه الله) responded by saying:

What's most correct from the sayings of the scholars is that there's a difference between the one who intentionally leaves out the Tasmiyah(Bismillah), which makes his slaughter unlawful and between the one who forgot to mention the Basmallah, so his slaughter becomes lawful and this is the statement of ibn 'Abbās(رضي الله عنه) and I don't know any Sahābah who differed with him, except a saying attributed to ibn 'Omar(رضي الله عنه) which isn't authentic. And this is the Madhab of Imām Abū Hanīfah(رحمه الله), Mālik(رحمه الله), and what's most popular in the Madhab of Imām Ahmad(رحمه الله).

And Al-Shāfi'ī(رحمه الله) said the Tasmiyah is recommended and isn't compulsory by using the Hadīth of 'Ā'isha(رضي الله عنها) as proof that "A group of people said to the Prophet, 'Some people bring us meat and we do not know whether they have mentioned Allah's Name or not on slaughtering the animal.' He said, 'Mention Allah's Name on it and eat.' She said: Those people were recently in the state of kufr, meaning they are converts". Narrated by al-Bukhārī(5507) from the chain of Usāmah from Hafs al-Madanī from Hishām ibn 'Urwa from his father from 'Ā'isha(رضي الله عنها).

And it was narrated by al-Darāwardī(رحمه الله), Abū Khālid Sulaymān Ibn Hibbān(رحمه الله) & Muḥammād ibn 'Abdillāh al-Tafāwī(رحمه الله) from the chain of Hishām ibn 'Urwa similar to the narration of Usāmah.

And it was narrated by Mālik(رحمه الله), Ibn 'Uyaynah(رحمه الله), Hamād ibn Zayd(رحمه الله) & others from the chain of Hishām from his father as a Mursal report.

Al-Khattābī(رحمه الله) said in "al-Ma'ālim" (4/122) "In it is proof that the Tasmiyah isn't compulsory before making a sacrifice, because the animal is prohibited by principle until it's certified that it's legally slaughtered, so it doesn't become permissible by a doubtful command, so if the Tasmiyah was a condition for the legal sacrifice, it wouldn't be permissible to hold the command upon good assumption regarding them(slaughterers as stated in the Hadīth) for it to be lawful to eat, just like if doubts were placed upon the same sacrifice, therefore we wouldn't know if the sacrifice is legally accepted or not, so it wouldn't be lawful to eat"

And this view was supported by al-Hāfidh Ibn Hajr(رحمه الله) in al-Fath(9/635), he said: "This is what we go towards from the context of the Hadīth where it happened to have the answer "So you say Bismillāh & eat", as if he's saying don't be concerned with that, but what you should be concerned about is yourselves mentioning the name of Allāh & to eat, and this is from His wise manner & approach, as it was pointed out by al-Tībī(رحمه الله), and what proves the needlessness to stipulate [its obligation] is Allāh's statement: {And the food of those given the scripture is lawful for you}, so he made their sacrifice lawful with the possibility that they might say Bismillāh or not". And al-Muḥlab(رحمه الله) said: "This Hadīth is a fundamental basis that the Tasmiyah upon a sacrifice is not obligatory, because if it was obligatory, it would have been stipulated in all cases".

And this is questionable, and the Hadīth isn't explicit in negating the obligation, and its outward meaning implies that the commands of the Muslims are held upon acceptance, so if a Muslim finds meat which was slaughtered by someone else, and he isn't sure whether he mentioned the name of Allāh, it's lawful for him go eat it because the slaughterer is a Muslim, and it's assumed that he mentioned the name of Allāh.

And the third saying on this issue: That the Tasmiyah is a condition in all cases, so you can't eat the slaughtering without it, which was mentioned by Imām Ahmad(رحمه الله) in a narration and was chosen by Shaykh al-Islām ibn Taymiyyah(رحمه الله) in the Fatāwah(35/239), and he said this is the clearer view, for verily the Qur'ān and Sunnah has specified it to be lawful through the mentioning of Allāh's name in several places, like His saying: {So eat of what we catch for you, and mention the name of Allah upon it}, and His saying {so eat from that which Allah's name was mentioned upon} and His saying {And why should you not eat of that upon which the name of Allah has been mentioned} and His saying: {and don't eat from that which hasn't been mentioned the name of Allah on it}

And in the Sahīhayn that the Prophet(صلى الله عليه وسلم) said "If the blood is shed and the name of Allah is mentioned, then eat from it"

And I respond against these proofs that none of the Sahābah have gone towards the outwardness meaning of these hadīths, and ibn 'Abbās(رضي الله عنه) has given a fatwa contrary to it.

And some of the scholars have applied it to intentionally leaving off the Tasmiyah and what's correct about the prohibition of eating over that which hasn't had Allah's name mentioned over it, means something which has been slaughtered to other than Allah and what has been done in the name of the Gods and statues/idols or the Messiah or other than that. Al-Bukhārī(رحمه الله) said in his saḥīḥ "and ibn 'Abbās(رضي الله عنه) said whoever forgets the Tasmiyah, there's no problem...and Allah(سبحانه وتعالى) said {And do not eat of that upon which the name of Allah has not been mentioned, for indeed, it is Fisq(grave disobedience)} and the forgetful one is not called a Fāsiq"

And the saying of ibn 'Abbās(رضي الله عنه) was collected by Sa'eed ibn Mansūr and al-Dāraqutnī and its chain is authentic and 'Abdul al-Razzāq narrated it in the Musannaf(8538) from Ma'mar from Ayyūb from 'Ikrimah from Ibn 'Abbas(رضي الله عنه) who said "...If anyone of you forgets to remember Allāh's name upon the sacrifice, say bismillāh(afterwards) and eat"

And al-Hāfidh ibn Jarīr(رحمه الله) said in his tafsīr(8/20) about the saying of Allah(سبحانه وتعالى) {And do not eat over that which Allah's name is not mentioned over it} "And the correct view regarding that statement is to say that Allah(سبحانه وتعالى) is referring to those who slaughter to their idols and gods and what has died or the one who sacrificed it is someone who's sacrifice isn't permissible [to eat from].

But as for whoever said: He's referring by that, what the muslim has sacrificed & forgot to mention the name of Allāh, then this is a saying which is far from the truth by its bizarreness & emittance of what the Jamā'ah are upon from its permissibility, and that citation is sufficient to realise the corruptness of that view."

And Ibn al-'Arabī(رحمه الله) said in Ahkām al-Qur'ān(2/750) "And as for the one who forgets the Tasmiyah over the sacrifice, then it does't become unlawful because Allah(سبحانه وتعالى) said {and indeed it is great disobedience(Fisq)} and the forgetful one is not a Fāsiq by Ijmā', so it doesn't become unlawful for him..."

And Ibn Qudāmah(رحمه الله) said something similar to that in al-Mughnī(11/33).

And he considered the Tasmiyah compulsory for hunting and not to be missed at any case, unlike slaughtering, but what's most correct is that there's no difference between hunting and slaughtering, so the forgetful one is excused from that, unlike the one who intentionally avoids the Tasmiyah and the proofs for that are many and Allah(سبحانه وتعالى) knows best.